

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5137 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RATILAL L PATEL

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

None present for the Petitioner

MR MD PANDYA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/09/96

ORAL JUDGEMENT

1. This court has made the order on 15th October, 1985 which reads as under:

Rule. Mr. Pandya waives service for the respondent Electricity Board.

Ad-interim relief is given to the petitioner on

condition that 50% of the amount of the disputed bill will be deposited forthwith, if not already paid by now, and the petitioner undertaking to this Court that he will get this dispute referred to the Electrical Inspector under section 26 of the Indian Electricity Act, 1910, within a period of fifteen days from today, and the petitioner further undertaking to this Court that whatever decision is reached by the Electrical Inspector will be binding on him, and if any amount comes to be further paid, that will be paid within reasonable period. The respondent-Electricity Board is directed to restore the electric supply forthwith, and no reconnection charges are to be paid by the petitioner. In the meantime the test report to be given by the petitioner to the Electricity Board, who will refund the amount forthwith if the decision of the Electrical Inspector is averse to the stand of the Electricity Board. Such refund is to be made within fifteen days of the decision of the Electricity Inspector.

The petitioner has given an undertaking before this Court on 7-11-1985 which reads as under:

I, Ratilal Lallubhai Patel, the petitioner herein am filing this undertaking as directed by this Hon'ble Court (consisting of His Lordship N.H. Bhatt,J) by order dated 15-10-1985.

1. That I undertake that I will get the present dispute pertaining to the electric meter etc. referred to the Electrical Inspector u/s. 26 of the Indian Electricity Act, 1910 within 15 days from October 15, 1985.

2. I also undertake that I shall abide by the decision of the Electrical Inspector and I shall pay any further amount if so asked by the Electrical Inspector within a reasonable period.

I am making this undertaking after being fully appraised of the contents thereof.

In view of the aforesaid order and the undertaking given by the petitioner, this writ petition does not survive and the same is dismissed. Rule discharged.

zgs/-